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8 ORINDA INTELLECTUAL PROPERTIES USA  
9 HOLDING GROUP, INC.  
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12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION  
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16 ORINDA INTELLECTUAL  
17 PROPERTIES USA HOLDING GROUP,  
18 INC.,

19 Plaintiff,

20 v.

21 SONY CORPORATION; SONY  
22 ELECTRONICS INC.; SONY  
23 COMPUTER ENTERTAINMENT, INC.,  
24 and SONY COMPUTER  
25 ENTERTAINMENT AMERICA, INC.

26 Defendants.  
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Case No. C-09-04920 EDL

**JOINT STATUS UPDATE**

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2 By Order dated February 13, 2013 (D.I. 114), this Court directed the parties to submit a  
3 status report on the re-examination process by February 22, 2013 and then at four month intervals  
4 thereafter. The parties jointly present the following status report:

5 **I. STATUS OF RE-EXAMINATION**

6 All claims in U.S. Patent No. 5,438,560 were rejected in re-examination. A brief  
7 summary of the re-examination proceeding follows:

8 The U.S. Patent and Trademark Office (PTO) granted Sony's re-examination request on  
9 April 19, 2010 finding that a substantial new question of patentability exists, which affected all  
10 claims;

11 The PTO issued a first Office Action on March 7, 2011 asserting that all claims were  
12 invalid;

13 Orinda filed its initial response on May 9, 2011;

14 The PTO issued a final Office Action on September 28, 2011 maintaining its rejection of  
15 all claims;

16 Orinda filed a response on October 28, 2011 in which it cancelled claims 1 and 3 and  
17 presented arguments that claim 2 was valid;

18 The PTO issued an Advisory Action on December 2, 2011 in which it accepted the  
19 cancellation of claims 1 and 3, and maintained its rejection of claim 2;

20 Orinda filed a notice of appeal on December 16, 2011;

21 Orinda filed an Appeal Brief on February 16, 2012 appealing the rejection of claim 2;

22 The PTO issued an Examiner's Answer on August 7, 2012 maintaining the rejection of  
23 claim 2;

24 On October 5, 2012, Orinda filed a Reply Brief and requested an oral hearing; and

25 On February 12, 2013, the reexamination was forwarded to the Board of Patent Appeals  
26 and Interferences (now the Patent Trial and Appeal Board).

27 On March 29, 2013, the Patent Trial and Appeal Board set the oral argument in the appeal  
28 for July 17, 2013. On April 12, 2013, Orinda confirmed that it will present oral argument at the  
appeal.

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On July 17, 2013, the Patent Trial and Appeal Board heard oral argument in the appeal.

On November 20, 2013, the Patent Trial and Appeal Board issued a written decision affirming the rejection of Claim 2.

On January 14, 2014, Orinda filed a Notice of Appeal seeking review of the Patent Trial and Appeal Board's decision by the United States Court of Appeals for the Federal Circuit.

The parties have now fully briefed the appeal. The Federal Circuit will hear oral argument in this appeal on Monday, November 3, 2014.

**II. ORINDA'S AND SONY'S POSITION ON THE STAY**

To conserve the parties' and the Court's resources, the parties believe that the stay should remain in place through the pendency of the appeal before the U.S. Court of Appeals for the Federal Circuit.

Dated: October 23, 2014

TECHKNOWLEDGE LAW GROUP LLP

By: /s/ Craig R. Kaufman

*Attorneys for Plaintiff*  
Orinda Intellectual Properties USA Holding  
Group, Inc.

Dated: October 23, 2014

LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP

By: /s/ Gregory S. Gewirtz

*Attorneys for Defendants*  
Sony Corporation, Sony Electronics Inc.,  
Sony Computer Entertainment Inc. and Sony  
Computer Entertainment America LLC

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2 **ATTESTATION OF CONCURRENCE**

3 I, Craig R. Kaufman, am the ECF User whose ID and password are being used to file this  
4 Joint Status Update. I attest that, pursuant to United States District Court, Northern District of  
5 California Civil L.R. 5-1(i)(3) and General Order 45, concurrence in the filing of this document  
6 has been obtained from Counsel for Defendants Sony Corporation, Sony Electronics Inc., Sony  
7 Computer, Entertainment Inc. and Sony Computer Entertainment America LLC.

8 I declare under penalty of perjury that the foregoing is true and correct.

9  
10 Date: October 23, 2014

/s/ Craig R. Kaufman  
Craig R. Kaufman